

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10-CR-00032-RJC

USA )  
 )  
v. ) ORDER  
 )  
DONACIANO AGUIRRE-RAMOS (1) )  
 )

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**THIS MATTER** comes before the Court on the defendant's pro se Motion for Sentence Reduction, pursuant to 18 U.S.C. § 3582(c)(2). (Doc. No. 178).

That statute allows a court to reduce a sentence based on a guideline range that has been subsequently lowered by the Sentencing Commission. Here, Amendment 794 detailed by the defendant as affecting his sentence is not listed by the Commission as being retroactively applicable for purposes of § 3582(c)(2). USSG §1B1.10(a)(1), (d). Thus, he is not entitled to relief.<sup>1</sup>

**IT IS, THEREFORE, ORDERED** that the defendant's Motion to Modify Sentence, (Doc. No. 178), is **DENIED**.

Signed: January 5, 2018

  
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Robert J. Conrad, Jr.  
United States District Judge



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<sup>1</sup> The cases cited by the defendant, United States v. Carter, 662 F. App'x 342, 349 (6th Cir. 2016), and United States v. Sanchez-Villareal, 857 F.3d 714, 720-721 (5th Cir. 2017), involved using Amendment 794 to clarify the interpretation of USSG §3B1.2 in cases on direct appeal, rather than sentence reductions based on a retroactive amendment under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10.